

Application No. 10/042,336

**REMARKS**

Reconsideration and allowance of this application is requested in view of the above amendments.

The disclosure has been objected to because of named informalities. In answer thereto, the specification has been amended hereinabove to delete the phrase "made and" on page 1, line 25 and on page 2, line 7, the phrase "print the spots" has been changes to -- print images-- in order to eliminate any confusion. In addition, on page 7, line 26, "1line" has been changed to --line--. And on page 8, line 7, "make or" had been deleted. In claim 3, "make" has been changes to --cover--.

Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimizuka in view of Takahashi. The Examiner appears to aver that Kimizuka discloses a printer having a tray that includes side aligning paper guides movable between open and closed positions, in addition to, a latch mechanism having a stud that rotates to block a sensor when paper is in the tray. It is averred that Takahashi discloses a printer having a paper tray with sensors which detect the presence and size of paper in the tray, and as such, it would be obvious to one skilled in the art at the time the invention was made to modify Kimizuka so that the size or presence of a sheet loaded on the tray is displayed on a control panel because operational ability and practicability will be enhanced as taught in Takahashi. Applicant takes exception to this rejection and request that it be withdrawn for a number of reasons, to wit: (1) there is no nexus that would lead one from Kimizuka to Takshashi except the teachings of Applicant's claim. Kimizuka is directed to an apparatus that indicates the presence or absence of paper on a tray and has nothing to do with proper size settings as claimed in Applicant's preamble. Takshashi is directed to a device that indicates the size of paper inserted in to a paper feeding apparatus and appears to indicate the size of paper inserted into the paper feeding apparatus by use of a plurality of sensors that have nothing to do with adjustable guides. Applicant submits that there is no teaching in either reference that would lead one to combine them as the Examiner proffers, but comes from Applicant's claim

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which is improper; (2) Applicant further submits that the Examiner's assertion that Kimizuka should be modified so that the size or presence of a sheet loaded on the tray would be displayed on a control panel because operational ability and practicability would be enhanced as taught in Takahashi is believed untenable and should be withdrawn because all this would do is unduly complicate the Kimizuka apparatus, be useless in the Kimizuka apparatus, and make it more costly since all Kimizuka requires to function as desired is a simple presence or absence indicator. Applicant submits that the only reason this combination is suggested is through hindsight with respect to Applicant's claim 1 which, as the Examiner is aware, is improper.

Claims 2 – 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant submits that this objection should be withdrawn since claim 2 has been cancelled hereinabove and new claim 8 has been added that essentially is claim 2 written in independent form. With allowable claim 8 being the base claim, Applicant submits that dependent claims 3 – 5 should be allowed as well.

Claims 6 – 7 have been allowed.

The patents cited by the Examiner to Elgee, Natsume et al., Nakamura et al., Kazakoff, Tsuji et al., Okuda (JP), Kato (JP), and 2001-30589 (JP) as of interest are hereby acknowledged, but Applicant submits that they neither separately or in combination teach Applicant's claimed structure.

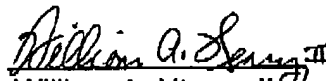
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No additional fee is believed to be required for this amendment. However, the undersigned Xerox Corporation attorney hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025. This also constitutes a request for any needed extension of time and authorization to charge all fees therefor to Xerox Corporation Deposit Account No. 24-0025.

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A telephone interview is respectfully requested at the number listed below prior to any further Office Action, i.e., if the Examiner has any remaining questions or issues to address after this paper. The undersigned will be happy to discuss any further Examiner-proposed amendments as may be appropriate.

Respectfully submitted,

  
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JUN 10 2003

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION:**

Page 1, paragraph starting on line 24 and continuing on to page 2:

After a machine feeds a sheet from a tray, the sheet's travel inside the machine is monitored with paper path sensors that have to be [made and] cleared at predetermined times. The time from the sheet's leading edge making a sensor to the trail edge clearing the sensor is nominally the sheet length divided by the transport speed. Obviously, this time is different for different sheet lengths. Machines use predetermined timer values for different sheet lengths and should the sheet length be incorrectly set-up, the result is timing error and machine shutdown. Also, should the sheet's actual width be different from the set-up, the machine will print [the spots] images, undesirably, to the wrong places.

Page 7, paragraph starting on line 24 and continuing to page 8:

Turning next to FIG.2, a detailed illustration of the substrate size monitoring system of the present invention is illustrated showing a tray 55 in an initially closed position as indicated by tray home signal [1line] line 120 and is bracketed by machine guides 93 and 94. A sensor 92 is positioned below machine guide 93 and is in communication with controller 29 to give off a change of direction signal 130. Tray 55 includes side guides 90 and 91 that are adjusted in accordance with the size of substrates or sheets placed into the tray. Tray 55 also includes a stud 95 loaded by spring 96. Stud 95 has a flag 97 attached thereto, such that, movement of the stud causes the flag to rotate in a clockwise or counter-clockwise direction.

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Page 8, paragraph starting on line 3:

As shown in FIG. 2, Tray 55 is initially in a home position as indicated by tray home signal 128. As the tray is pulled out from the machine the tray home signal 128 is changed as indicated by line 120 and after the tray is returned to the home position the tray home signal is back at 128. In FIG. 2, side guides 90 and 91 have not been adjusted and flag 97 does not [make or] cover sensor 92 during withdrawal or insertion of tray 55 into the machine. This is indicated by change detection signal 130 being in a straight line continuously during movement of the tray.

IN THE CLAIMS:

Claim 2 is CANCELED

3. (AMENDED) The system of claim [2] 8, wherein movement of said tray toward said home position causes said flag to [make] cover said sensor with said sensor sending a signal to said controller indicating adjustment of said guides.

5. (AMENDED) The [apparatus] system of claim [1] 8, wherein said stud is spring loaded.

Claim 8 is NEW.